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| 09/684,064 | 10/06/2000 | Gordon Ian Rowlandson | 39199-9511-00 | 2853 |

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EXAMINER

BUI, KIM T

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| ART UNIT | PAPER NUMBER |
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3626

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,064

Applicant(s)

ROWLANDSON, GORDON IAN

Examiner

Kim T. Bui

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 12//22/2005. Claims 1-4, 6-29 and 31 are pending. Claims 5, 30 were cancelled. Claims 1,10,25 were amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4, 6-29, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1,10, 25 recites limitation that is new matter, for the following reasons:

The added limitations of "the separate interpretation" appears to constitute new matter. In particular, Applicant points to page 5, lines 19-28 for the support of the new subject matter. However, the Examiner finds no support for a "separate interpretation" in this portion of the specification. As such, Applicant is respectfully requested to clarify the above issues.

Art Unit: 3626

Applicant is required to cancel the new matter in the reply to this Office action.

Claims 2-4,6-9,11-24,26-29 and 31 incorporate the deficiency of the claims they depend on, and are therefore rejected.

4. Claims 1-4, 6-29 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claims 1, 10, 25 have been amended to recite "a separate interpretation". However, it is unclear what "separate interpretation" actually is.

In claim 1, on lines 15 "the interpretation" lacks antecedent basis.

In claim 6, on line 2 "the extracted patterns" lacks antecedent basis.

(B) Claims 2-4, 7-9,11-24,26-29 and 31 incorporate the deficiency of the claims they depend on, and are therefore rejected. ~~Dependent claims~~ J.T. 9/3/06

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 8-12,14-17,19-21, 23-29,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardirossian (6011991) in view of Selvester et al. (6230048) and Castelaz et al. (5003490)

Art Unit: 3626

(A) Claims 1, 10, 25 have been amended to recite “a separate interpretation”. However, to the extent understood by the Examiner, this is nothing more than “extracted patterns” which is disclosed in Castelaz et al. as discussed in the previous Office Action, dated November 16, 2005, and incorporated herein.

The remainders of the claims are rejected for the same reasons given in the previous Office Action, dated November 16, 2005, and incorporated herein.

(B) Claims 2-4, 6, 8-9, 11-12, 14-17, 19-21, 23, 24, 26-29 and 31 have not been amended and are rejected for the same reasons given in the previous Office Action, dated November 16, 2005.

7. Claim 7 is rejected under 35 U.S.C.103(a) as being unpatentable over Mardirossian (6011991) in view of Selvester et al. (6230048) and Castelaz et al. (5003490) as applied to claim 1 above and further in view of Cairnes (6139494).

(A) Claim 7 has not been amended and is rejected for the same reasons given in the previous Office Action, dated November 16, 2005.

8. Claim 18 is rejected under 35 U.S.C.103(a) as being unpatentable over Mardirossian (6011991) in view of Selvester et al. (6230048) and Castelaz et al. (5003490) as applied to claim 10 above and further in view of Bardy (6203495).

(A) Claim 18 has not been amended and is rejected for the same reasons given in the previous Office Action, dated November 16, 2005.

9. Claims 13, 22 are rejected under 35 U.S.C.103(a) as being unpatentable over Mardirossian (6011991) in view of Selvester et al. (6230048) and Castelaz et al. (5003490) as applied to claims 10, 12 above and further in view of Albert et al. (6264614).

(A) Claims 13, 22 have not been amended and are rejected for the same reasons given in the previous Office Action, dated November 16, 2005.

Response to Arguments

10. Applicant arguments filed 12/22/2005 have been considered, but they are not persuasive. Applicant's arguments will be addressed herein below:

(A) On page 8 of the Remarks, Applicant argues that Castelaz does not teach utilizing an interpretation module to generate a separate interpretation. In response, it is respectfully submitted that Castelaz teaches the neural networks signal processor which is a form of an interpretation module for performing the steps of measuring, analyzing, extracting and comparing.

(B) On page 9 of the Remarks, Applicant argues that Mardirossian, Selvester, Castelaz fail to teach interpretation the physiological data based on a predetermined set of criteria to generate a separate interpretation. In response, it is respectfully submitted that Mardirossian discloses the processing of physiological signal on col. 5, lines 10-25, col. 6, lines 12-16 col. 6 line 62 to col. 7, line 2. It is noted that the classification operation performed by neural network disclosed by Mardirossian includes the extraction of selected features and comparing the same to predetermined categories. This is also disclosed by Castelaz on col. 4, lines 55-68.

(C) On page 9 of the Remarks, Applicant argues that Mardirossian, Selvester, Castelaz fail to teach a separate interpretation module to generate an interpretation of the physiological data. In response, it is noted that the feature

Art Unit: 3626

argued by the Applicant are not recited in the claims. Although the claim are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ 2d 1057 (Fed. Cir. 1993).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Pictorial display electrocardiographic interpretation system" (6516220).

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Bui whose telephone number is 571-

Art Unit: 3626

272-6768. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 5:00P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KTB

3/29/06


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER